

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA

Plaintiff,

VS.

MICHAEL CHARLES GARCIA, *et al.*,

Defendant.

2:12-cr-00118-GMN-VCF

ORDER

[Defendant Michael Garcia's Motion to Correct Co-Defendant's Name from an Alias to His Legal Name of Robert Charles Gruszynski (#68) and Government's Motion to Strike Defendant's Pro Se Motion to Correct Co-Defendant's Name (#69)]

Before the Court are Defendant Michael Garcia's Motion to Correct Co-Defendant's Name from an Alias to His Legal Name of Robert Charles Gruszynski (#68) and Government's Motion to Strike Defendant's Pro Se Motion to Correct Co-Defendant's Name (#69).

Relevant Background:

On April 22, 2013, Defendant's counsel, C. Stanley Hunterton, Esq., filed a Motion to Withdraw as Attorney (#66) and the Order (#67) granting the Motion was entered on April 24, 2013. The appointment of new counsel was referred to the CJA panel. Todd M. Leventhal, Esq. has been appointed as counsel for Defendant Garcia in place of C. Stanley Hunterton, Esq. (#70).

Defendant filed a Motion to Correct Co-Defendant's Name from an Alias to His Legal Name of Robert Charles Gruszynski (#68) on April 24, 2013. The Motion was filed by Defendant's mother, Katrina Garcia, requesting the Court to change co-defendant's name, Matthew Dale Dewberry, to Robert Charles Gruszynski. *Id.*

The Government filed a Motion to Strike Defendant's Pro Se Motion to Correct Co-Defendant's Name on April 25, 2013. (#69). The Government moves the Court to strike and deny consideration of

1 Defendant's Motion (#68). *Id.* Defendant's Motion (#68) is filed by his mother, Katrina Garcia, who is
2 not a party nor counsel in this case. *Id.*

3 **Discussion:**

4 On October 31, 2012, the Court denied the Notice of Entry of Appearance by Katrina Garcia
5 (#35). (#36). Katrina Garcia, mother of defendant Michael Garcia, was attempting to appear as his
6 defense counsel in this case. Katrina Garcia is not an attorney. The Ninth Circuit has held that although
7 a plaintiff may appear *pro se* on his or her own behalf, an individual "has no authority to appear as an
8 attorney for others than himself." *Johns v. County of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997)
9 (citing *United States v. Mitchell*, 915 F.2d 521, 526 n.8 (9th Cir. 1990)) (quoting *C.E. Pope Equity Trust*
10 *v. United States*, 818 F.2d 696, 697 (9th Cir. 1987)).

11 U. S. District Court of Nevada Local Rules IA 10-1 through 10-7 regulate the practice of law in
12 our court. With the exception of law students certified pursuant to LR IA 10-5 and supervised by an
13 attorney, only licensed attorneys may represent parties to any criminal or civil action. Katrina Garcia is
14 not an attorney.

15 IT IS HEREBY ORDERED that Government's Motion to Strike Defendant's *Pro Se* Motion to
16 Correct Co-Defendant's Name (#69) is GRANTED.

17 IT IS FURTHER ORDERED that Defendant Michael Garcia's Motion to Correct Co-
18 Defendant's Name from an Alias to His Legal Name of Robert Charles Gruszynski (#68) is
19 STRICKEN.

20 DATED this 15th day of May, 2013.

21
22 
23 CAM FERENBACH
24 UNITED STATES MAGISTRATE JUDGE
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